

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

TREASURE ISLAND DEVELOPMENT AUTHORITY; TREASURE ISLAND HOMELESS DEVELOPMENT INITIATIVE; SHAW ENVIRONMENTAL; JIM SULLIVAN, DAVID CLARK,

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Andre Patterson, Falita Sample, Including All Parties Listed Herein, and Doe Plaintiffs 1- 2,000

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

San Francisco Superior Court, 400 McAllister St.,
San Francisco, Ca 94102

CASE NUMBER: (Número del Caso):

CGC-20-582410

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Stanley Goff, 15 Boardman Place, San Francisco Ca 94103, 415-571-9570

DATE:

(Fecha) **JAN 23 2020**

Clerk of the Court

Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify):
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☒ other (specify):
- ☐ by personal delivery on (date)

ANGELICA SUNGA

BY FAX

SUM-200(A)

SHORT TITLE: Andre Patterson, Falita Sample, et al. v. Treasure Island Development, e	CASE NUMBER:
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

KEITH FORMAN, TETRA TECH EC, INC.; DAN L. BATRACK, STATE DEPARTMENT OF TOXIC SUBSTANCE CONTROL; SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH; LENNAR INC; FIVE POINT HOLDINGS, LLC., JOHN STEWART COMPANY and DOES 1-100

Page _____ of _____

Page 1 of 1

FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO

JAN 23 2020

CLERK OF THE COURT
BY: Angelica Sunga
Deputy Clerk

ANGELICA SUNGA

STANLEY GOFF (Bar No. 289564)
LAW OFFICE OF STANLEY GOFF
15 Boardman Place Suite 2
San Francisco, CA 94103
Telephone: (415) 571-9570
Email: scraiggoft@aol.com

Attorney for Plaintiffs

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

TREASURE ISLAND FORMER AND
CURRENT RESIDENTS, ANDRE
PATTERSON, FELITA SAMPLE,
*Including All Parties Listed and
Incorporated Herein*; and Doe Plaintiffs 1-
2,000, on behalf of themselves, and all others
similarly situated,

Plaintiffs,

vs.

TREASURE ISLAND DEVELOPMENT
AUTHORITY; TREASURE ISLAND
HOMELESS DEVELOPMENT
INITIATIVE; SHAW ENVIRONMENTAL;
U.S. NAVY TREASURE ISLAND CLEAN
UP DIRECTOR JIM SULLIVAN, in his
individual capacity; U.S. NAVY
TREASURE ISLAND CLEAN UP LEAD
PROJECT MANAGER DAVID CLARK, in
his individual capacity; U.S. NAVY
REPRESENTATIVE KEITH FORMAN, in
his individual capacity; TETRA TECH EC,
INC.; DAN L. BATRACK, in his individual
and official capacity; STATE
DEPARTMENT OF TOXIC SUBSTANCE
CONTROL; SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH;
LENNAR INC; FIVE POINT HOLDINGS,

CASE NO.: **CGC-20-582410**

A CLASS ACTION LAWSUIT
COMPLAINT FOR DAMAGES

1. FALSE AND MISLEADING
STATEMENTS
2. NEGLIGENCE FEAR OF CANCER
3. STRICT LIABILITY FOR
ULTRAHAZARDOUS ACTIVITIES
4. VIOLATION OF PROPOSITION 65
5. PUBLIC NUISANCE
6. PRIVATE NUISANCE
7. CIVIL CONSPIRACY
8. INJUNCTIVE RELIEF

JURY TRIAL DEMANDED

BY FAX

1 LLC., JOHN STEWART COMPANY and
 2 DOES 1-100 Inclusive,
 3 Defendants.
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 10 Plaintiffs FORMER AND CURRENT TREASURE ISLAND RESIDENTS
 11 ("PLAINTIFFS"), individually and on behalf of all others similarly situated, demanding a jury
 12 trial, bring this action against all named Defendants as well as DOES 1-25; inclusive, for general,
 13 consequential, compensatory, punitive, injunctive relief and statutory damages, costs and
 14 attorneys' fees resulting from defendants' unconstitutional and tortious conduct.

15 **I. PARTIES**
 16

17 1. Class Plaintiffs are former and current residents of Treasure Island, consisting of
 18 individuals who have been living in, or had substantial contact with, the Treasure Island
 19 Community, from 2006 to the present. Plaintiffs also include the following adult and minor
 20 Plaintiffs and those Plaintiffs listed and incorporated herein as though fully set forth in this
 21 paragraph, plus Doe Plaintiffs 1-2,000:

- 22 1. Andre Patterson
 23 2. Felita Sample
 3. Cierra Hammond

- | | | |
|----|--------------------------|--------------------------|
| 1 | 4. Earnstine Davis | 31. Andre Patterson III |
| 2 | 5. Steven A. Arnold | 32. Nicole Walker |
| 3 | 6. Ralph Greene | 33. Lakrista Jackson |
| 4 | 7. Michelle Baker-Greene | 34. Michelle Mathews |
| 5 | 8. Devonaire Lemons | 35. Donna Marie McDaniel |
| 6 | 9. Rarity Lemons | 36. Aaron Medler |
| 7 | 10. Leerma Petterson | 37. Shamila Butler |
| 8 | 11. Charles McGee | 38. Bobbie Johnson |
| 9 | 12. Ruth Ann Booker | 39. Camelia Johnson |
| 10 | 13. Ayana Arnold | 40. Joseph Spooner |
| 11 | 14. Arlando Arnold | 41. Calvin Johnson |
| 12 | 15. Terri Johnson | 42. Tramila Butler |
| 13 | 16. Kent Davis | 43. Astrid Mills |
| 14 | 17. Teresa Johnson | 44. Michael Meede |
| 15 | 18. Lailonnie Arnold | 45. Charles Patterson |
| 16 | 19. Victor Wilson | 46. Dreyana Patterson |
| 17 | 20. Ronald L. Johnson | 47. Vancois Wilson |
| 18 | 21. Johnathan Johnson | |
| 19 | 22. Flint Collins | |
| 20 | 23. Peter Boutte | |
| 21 | 24. Otis Broughton | |
| 22 | 25. Stanley Daglow | |
| 23 | 26. Arthur Glen Ayers | |
| 24 | 27. Alfonzo B. Williams | |
| 25 | 28. Donald Johson | |
| 26 | 29. Tracy Marks | |
| 27 | 30. Vancois D. Amoun | |

DOE PLAINTIFFS

2. DOE PLAINTIFFS 1-2,000 are former or current residents of TREASURE ISLAND, consisting of individuals who have been living in, or had substantial contact with, the Treasure Island Community, from 2006 to the present but have not to date discovered the elements of their causes of action. This action will be amended to include those DOE PLAINTIFFS 1-2,000 when those PLAINTIFFS have ascertained and discovered each element of each cause of action against each of the named DEFENDANTS herein.

1
2 3. DEFENDANTS Tetra Tech, Inc. and Tetra Tech EC, Inc. are California corporations
3 that have contracted with the United States Navy and United States government to perform
4 clean-up and remediation services on Treasure Island in San Francisco.

5 4. DEFENDANTS Shaw Environmental, Inc. is a California corporation that has
6 contracted with the United States Navy and United States government to perform clean-up and
7 remediation services on Treasure Island in San Francisco.

8 5. DEFENDANTS TREASURE ISLAND DEVELOPMENT AUTHORITY, is a
9 California entity under the municipality of the City of San Francisco.

10 6. DEFENDANTS TREASURE ISLAND HOMELESS DEVELOPMENT INITIATIVE,
11 is a California entity under the municipality of the City of San Francisco.

12 7. DEFENDANT U.S. NAVY TREASURE ISLAND CLEAN UP DIRECTOR JIM
13 SULLIVAN, was employed by the United States Navy at all times relative to this complaint.

14 8. DEFENANT U.S. NAVY TREASURE ISLAND CLEAN UP LEAD PROJECT
15 MANAGER DAVID CLARK, was employed by the United States Navy at all times relative to
16 this complaint.

17 9. DEFENDANT U.S. NAVY ENVIRONMENTAL COORDINATOR KEITH
18 FORMAN, was employed by the United States Navy at all times relative to this complaint.

19 10. DEFENDANT STATE DEPARTMENT OF TOXIC SUBSTANCE CONTROL is a
20 California entity under the authority of the state of California.

21 11. DEFENDANT SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH is a
22 entity under the authority of the City and County of San Francisco.

1
2 12. DEFENDANT JOHN STEWART COMPANY is a corporation doing business in the
3 State of California and the City and County of San Francisco;

4 13. DEFENDANT Lennar, Inc. is headquartered in Miami, Florida and is doing business
5 in California. DEFENDANT Five Point Holdings, LLC is headquartered in Aliso Viejo,
6 California.

7
8 **DOE DEFENDANTS**

9 14. The true names and capacities, whether individual, corporate, associate, subsidiary,
10 officer, director, employee, other representative, or otherwise, of DOE DEFENDANTS 1
11 through 50 inclusive, are unknown to the PLAINTIFFS, who therefore sue each DEFENDANT
12 by a fictitious name. PLAINTIFFS are informed and believe and thereupon allege that each of
13 these fictitiously named DEFENDANTS are responsible, in some manner, for the damages
14 alleged herein. PLAINTIFFS therefore designate DOE DEFENDANTS 1 through 50 by such
15 fictitious names, and when their names have been ascertained, PLAINTIFFS will amend this
16 complaint to allege their true names and capacities.

17 **II. JURISDICTION AND VENUE**

18 15. Jurisdiction is pursuant to California Code of Civil Procedure § 382 providing:
19 “When the question is one of a common or general interest, of many persons, or when the parties
20 are numerous, and it is impracticable to bring them all before the court, one or more may sue or
21 defend for the benefit of all.” This court also has jurisdiction under California Business &
22
23
24

1 Professions Code §17203. Venue is proper in this judicial district because TREASURE
2 ISLAND RESIDENTS' injuries, damages and harms occurred in this judicial district.

3 16. Further, one or more of the DEFENDANTS reside, are headquartered and conduct
4 business in this judicial district. DEFENDANTS' wrongful acts and omissions are giving rise to
5 PLAINTIFFS' claims for restitution and equitable relief.

6 **IV. RESPONDEAT SUPERIOR**

7 17. All of the described conduct, acts, and failures to act are attributed to agents and
8 employees under the direction and control, and with the permission, consent and authorization of
9 DEFENDANTS. Said acts, conduct and failures to act were within the scope of such agency
10 and/or employment, and each of the DEFENDANTS ratified, endorsed, and agreed to the acts
11 and omissions of each of the other DEFENDANTS. Each of these acts and failures to act is
12 alleged against each DEFENDANT, whether acting individually, jointly, or severally. At all
13 times relevant herein, each DEFENDANT was acting within the course and scope of his or her
14 employment, agreement, and ratification.

15 **V. STATEMENT OF FACTS COMMON TO ALL CAUSES OF ACTION**

16 18. Treasure Island ("Site") is a deactivated U.S. Naval Base located in San Francisco,
17 California, adjacent to San Francisco Bay.

18 19. Treasure Island, an infill project located in the San Francisco Bay, was created by the
19 federal government in the late 30s to host the 1939 Golden Gate International Expo, and was
20 later converted to a naval base as the US prepared for World War II.

21 20. By 1997, the Navy entered into agreements with the City and County of San
22 Francisco to turn over the Island for civilians to reside on it.

1 21. The goal then was to grow the island's population from 2,000 to 19,000 with the
2 development of high rises and infrastructure across the old base, which was projected to cost
3 \$1.5 billion.

4 22. However, soil at the site is contaminated with radioactive waste, with nuclear
5 byproducts on the island that were "higher than [the] Navy disclosed.

6 23. The US Navy had not properly assessed the levels of cesium-137, a fission byproduct,
7 in soil samples dating back to the 1970s. In reality, contamination levels are some three times
8 higher than the Navy reported, and 60 percent higher than the Navy's own safety guidelines.

9 24. A 2006 survey by the Navy found that while problems occasionally happened,
10 nuclear activities at the Treasure Island base were closely regulated and frequently inspected.

11 25. This 2006 report intentionally ignored decades of audits that found poor safety
12 procedures for radiation and toxic removal at the island.

13 26. In 2007, as the Navy readied to hand the island over to the City of San Francisco, a
14 study by a civilian contractor named Robert McLean found the island to be far more
15 contaminated with radiation than the Navy disclosed to the public.

16 27. The Navy chose not to revise its 2006 historical radiation survey swiftly to
17 incorporate the new knowledge and instead, military officials continued to proceed as though the
18 2006 report were accurate, not updating it until 2012.

19 28. Even after its 2012 update, the Navy failed to account for the base's history of lax
20 radiation safety or for dangers posed by ships irradiated at Bikini Atoll.

1 29. In 2012, reporters from the Center of Investigative Reporting launched a yearlong
2 investigation that revealed mishaps and omissions by the Navy and its contractors in the Treasure
3 Island cleanup.

4 30. It is alleged based on information and belief that DEFENDANTS Tetra Tech, Inc.
5 and Tetra Tech EC, Inc. were aware that the levels of radiation on Treasure Island were
6 significantly higher than the Navy disclosed to the public and that this Defendant also chose not
7 to disclose this information to the Plaintiffs.

8 31. It is alleged based on information and belief that DEFENDANTS Shaw
9 Environmental, Inc. were aware that the levels of radiation on Treasure Island were significantly
10 higher than the Navy disclosed to the public and that this Defendant also chose not to disclose
11 this information to the Plaintiffs.

12 32. It is alleged based on information and belief that DEFENDANTS TREASURE
13 ISLAND DEVELOPMENT AUTHORITY, were aware that the levels of radiation on Treasure
14 Island were significantly higher than the Navy disclosed to the public and that this Defendant
15 also chose not to disclose this information to the Plaintiffs.

16 33. It is alleged based on information and belief that DEFENDANTS TREASURE
17 ISLAND HOMELESS DEVELOPMENT INITIATIVE, were aware that the levels of radiation
18 on Treasure Island was significantly higher than the Navy disclosed to the public and that this
19 Defendant also chose not to disclose this information to the Plaintiffs.

1
2 34. It is alleged based on information and belief that DEFENDANT U.S. NAVY
3 TREASURE ISLAND CLEAN UP DIRECTOR JIM SULLIVAN, was aware that the levels of
4 radiation on Treasure Island were significantly higher than the Navy disclosed to the public and
5 that this Defendant also chose not to disclose this information to the Plaintiffs.

6 35. It is alleged based on information and belief that DEFENANT U.S. NAVY
7 TREASURE ISLAND CLEAN UP LEAD PROJECT MANAGER DAVID CLARK, was aware
8 that the levels of radiation on Treasure Island were significantly higher than the Navy disclosed
9 to the public and that this Defendant also chose not to disclose this information to the Plaintiffs.

10 36. It is alleged based on information and belief that DEFENDANT U.S. NAVY
11 REPRESENTATIVE KEITH FORMAN, was aware that the levels of radiation on Treasure
12 Island were significantly higher than the Navy disclosed to the public and that this Defendant
13 also chose not to disclose this information to the Plaintiffs.

14 37. It is alleged based on information and belief that DEFENDANT STATE
15 DEPARTMENT OF TOXIC SUBSTANCE CONTROL was aware that the levels of radiation on
16 Treasure Island were significantly higher than the Navy disclosed to the public and that this
17 Defendant also chose not to disclose this information to the Plaintiffs.

18 38. It is alleged based on information and belief that DEFENDANT SAN FRANCISCO
19 DEPARTMENT OF PUBLIC HEALTH was aware that the levels of radiation on Treasure
20 Island were significantly higher than the Navy disclosed to the public and that this Defendant
21 also chose not to disclose this information to the Plaintiffs.

VII. CLASS ACTION ALLEGATIONS

39. PLAINTIFFS bring this lawsuit as a class action and on behalf of themselves and all others who are similarly situated. The class is composed of all persons who WERE RESIDENTS OR ARE RESIDENTS OF TREASURE ISLAND, consisting of individuals who have been living, working, attending school or had substantial contact with the community from 2007 to present.

40. The members of the class are so numerous, approximately 2,000 residents, that joining them all individually would be impracticable. PLAINTIFFS don't know the exact number of the members of the class at this time, but the number and identity of the class members is easily ascertainable through DEFENDANTS' business records.

41. PLAINTIFFS have the same interest in this matter as all other members of the class.

42. PLAINTIFFS' claims are typical of all the members of the class.

43. A well-defined community of interest in the questions of law and fact involving all members of the class exists.

44. Common questions of law and fact predominate over questions that may affect only individual class members.

Questions of Law:

1. The nature and application of DEFENDANTS' statutory and common law duties to avoid unfair and fraudulent business practices;
2. The nature and application of DEFENDANTS' statutory and common law duties to avoid false and misleading communications about the remediation of radiation and toxins on Treasure Island, which is causing harm, fear, mental and emotional distress to all PLAINTIFFS;

1 3. The nature and application of the DEFENDANTS' duties with respect to the operation,
2 management and supervision of the soil remediation and clean-up operation of Treasure
3 Island;

4 4. DEFENDANTS' applicable standard of care with respect to the operation, management
5 and supervision of the remediation of radiation and clean-up operation of Treasure Island.

6 **Common Questions of Fact:**

7 1. Did DEFENDANTS breach their statutory and common law duties to avoid false and
8 misleading communications about the soil remediation and clean- up operation of
9 Treasure Island?

10 2. Did DEFENDANTS breach their duties with respect to the operations, management and
11 supervision of the soil remediation and clean-up operation of Treasure Island?

12 45. PLAINTIFFS' claims are typical of all class member claims because all class
13 members' claims arise from DEFENDANTS' failure to disclose to the Plaintiffs and to the
14 public about the levels of radioactive materials and other toxins located in the soil of Treasure
15 Island.

16 46. The evidence and the legal issues regarding the DEFENDANTS' wrongful conduct
17 are substantially identical for PLAINTIFFS and all of the class members.

18 47. DEFENDANTS have acted or failed to act on grounds generally applicable to all
19 class members, making equitable relief—e.g., restitution to each class member—appropriate to
20 the class as a whole.

21 48. The court should certify the class because common questions of law and fact
22 predominate over individual questions. Legal issues regarding duty and standard of care are
23

1 common to all class members' claims. Factual issues regarding breach and the measure of
2 restitution are common to all class members' claims.

3 49. A class action is superior to all other available procedures for the fair and efficient
4 adjudication of these claims. Even if any individual class member could afford individual
5 litigation, it would be unduly burdensome to the courts in which the separate lawsuits would
6 proceed. A single class action is preferable to separate, individual lawsuits because it provides
7 the benefits of unitary adjudication, economies of scale, and comprehensive adjudication by a
8 single court.

9 **REPRESENTATIVE PLAINTIFFS ANDRE PATTERSON and FELITA SAMPLE**

10 50. Are both educated, articulate, professionals who will fairly and adequately protect the
11 interests of the members of the class.

12 51. PLAINTIFFS do not have interests that are contrary to or in conflict with those of the
13 members of the class they seek to represent. PLAINTIFFS' undersigned counsel is experienced
14 and capable of managing a class action of this anticipated size and complexity, and will
15 vigorously prosecute the class claims.

16 52. The prosecution of separate, individual lawsuits by individual members of the class
17 would create a risk of inconsistent or contradictory findings of fact and law—which could
18 impose incompatible standards of conduct for DEFENDANTS—and would lead to repetitious
19 trials of the numerous common questions of fact and law.

20 53. PLAINTIFFS know of no difficulty that will be encountered in the management of
21 this litigation that would preclude its maintenance as a class action. As a result, a class action is
22 superior to other available methods for the fair and efficient adjudication of these claims.

SECOND CAUSE OF ACTION

(NEGLIGENCE FEAR OF CANCER)

(Against SHAW ENVIRONMENTAL, JIM SULLIVAN, DAVID CLARK, KEITH FORMAN, TETRA TECH EC, INC.; DAN L. BATRACK, LENNAR INC; FIVE POINT HOLDINGS, LLC., JOHN STEWART COMPANY and DOES 1-100)

59. PLAINTIFFS and class members hereby incorporate allegations contained in the preceding paragraphs, as though fully set forth herein.

60. That Plaintiffs were exposed to radiation, carcinogens and other toxic substances, as a result of Defendants' negligent conduct for failing to disclose to the Plaintiffs and the public the true levels of radioactivity on Treasure Island;

61. That the Defendants' conduct was despicable and subjected Plaintiffs to cruel and unjust hardship in conscious disregard of the Plaintiffs' rights;

62. That Defendants intentionally misrepresented or concealed a material fact known to the Defendants, intending to cause Plaintiffs harm;

63. That the Plaintiffs suffered serious emotional distress from a fear that they will develop cancer as a result of the exposure;

64. That reliable medical or scientific opinion confirms that the Plaintiffs' risk of developing cancer, was significantly increased by the exposure and has resulted in an actual risk that is significant; and

65. That the Defendants' conduct was a substantial factor in causing Plaintiffs' serious emotional distress.

1 66. DEFENDANTS acted with malice or oppression, or fraudulent or intent in exposing
2 Plaintiffs to carcinogens and toxic substances, and that this conduct caused Plaintiffs to suffer
3 serious emotional distress.

4
5 **THIRD CAUSE OF ACTION**

6 **(STRICT LIABILITY FOR ULTRAHAZARDOUS ACTIVITIES)**

7 **(Against SHAW ENVIRONMENTAL, JIM SULLIVAN, DAVID CLARK, KEITH**
8 **FORMAN, TETRA TECH EC, INC.; DAN L. BATRACK, LENNAR INC; FIVE POINT**
9 **HOLDINGS, LLC. JOHN STEWART COMPANY and DOES 1-100)**

10 67. PLAINTIFFS and class members hereby incorporate allegations contained in the pre
ceding paragraphs, as though fully set forth herein.

11 68. DEFENDANTS, and each of them, engaged in an ultra-hazardous activity that caused
12 harm, damages, losses, injuries, including fear of contracting cancer, birth defects for their
13 children, born and unborn, and economic and non-economic damages.

14 69. DEFENDANTS, and each of them, are responsible for that harm, injuries, damages,
15 both economic and noneconomic because DEFENDANTS engaged in remediation of nuclear
16 waste, radioactive materials, an ultra-hazardous activity at Treasure Island.

17 70. PLAINTIFFS' injuries, damages, losses, fear and harm are the kind of harm that
18 would be anticipated as a result of the risk created by exposure to a radiation release as the nature
19 and kind that was released at Treasure Island.

20 71. DEFENDANTS' acts, conduct and behavior proximately caused harm and damage to
21 the PLAINTIFFS, including personal injury, property damage, loss of enjoyment of their
22 property and life, the need for periodic examination and treatment, as well as economic losses
23 including loss of earnings, stigma damages, the cost of obtaining potential cure, and other

1 needless expenditures of time and money. PLAINTIFFS will continue to incur losses and
2 damage in the future. Based on PLAINTIFFS' repeated exposure to ionizing radiation,
3 PLAINTIFFS have a reasonable fear that said exposure more likely than not increases their risk
4 of developing cancer in the future.

5 72. DEFENDANTS' acts, conduct and behavior proximately caused harm and damage to
6 the PLAINTIFFS, including personal injury, pain, anxiety, mental and emotional distress,
7 discomfort, fear, incontinence, suffering, property damage, loss of enjoyment of their property
8 and life, the need for periodic examination and treatment, as well as economic losses including
9 loss of earnings, stigma damages, the cost of obtaining potential cure, and other needless
10 expenditures of time and money.

11 73. DEFENDANTS' misconduct was deliberate, and undertaken with oppression, fraud
12 or malice within the meaning of *California Civil Code* § 3294, justifying an award of exemplary
13 damages sufficient to punish DEFENDANTS and to deter them from such misconduct in the
14 future.

15
16 WHEREFORE, PLAINTIFFS pray judgment as hereinafter set forth.

17 **FOURTH CAUSE OF ACTION**

18 **(VIOLATION OF PROPOSITION 65)**

19 **(Against SHAW ENVIRONMENTAL, JIM SULLIVAN, DAVID CLARK, KEITH**
20 **FORMAN, TETRA TECH EC, INC.; DAN L. BATRACK, LENNAR INC; FIVE POINT**
21 **HOLDINGS, LLC., JOHN STEWART COMPANY and DOES 1-100)**

22 74. PLAINTIFFS and class members hereby incorporate allegations contained in the
23 preceding paragraphs, as though fully set forth herein.

1 75. Proposition 65 California Health and Safety Code sections 25249.5 - 25249.13
2 imposes: "Prohibition On Contaminating Drinking Water With Chemicals Known to Cause
3 Cancer or Reproductive Toxicity.

4 76. That Proposition 65 Section 25249.6 required the Defendants to disclose and warn the
5 Plaintiffs of the exposure to chemicals known to cause cancer or reproductive toxicity.

6 77. That since 2007, all DEFENDANTS breached this duty when they failed to comply
7 with Proposition 65 by failing to notify Treasure Island Plaintiffs that they were releasing
8 radioactive materials in the air, and by failing to give warning that DEFENDANTS were leaving,
9 covering over, paving under, and covering up radioactive materials on the grounds of Treasure
10 Island.

11 78. DEFENDANTS' acts, conduct and behavior proximately caused harm and
12 damage to the PLAINTIFFS, including personal injury, pain, anxiety, mental and emotional
13 distress, discomfort, fear, incontinence, suffering, property damage, loss of enjoyment of their
14 property and life, the need for periodic examination and treatment, as well as economic losses
15 including loss of earnings, stigma damages, the cost of obtaining potential cure, and other
16 needless expenditures of time and money.

17 79. DEFENDANTS' misconduct was deliberate, and undertaken with oppression, fraud
18 or malice within the meaning of *California Civil Code* § 3294, justifying an award of exemplary
19 damages sufficient to punish DEFENDANTS and to deter them from such misconduct in the
20 future.

21 WHEREFORE, PLAINTIFFS pray judgment as hereinafter set forth.
22
23

FIFTH CAUSE OF ACTION

(PUBLIC NUISANCE)

(Against SHAW ENVIRONMENTAL, JIM SULLIVAN, DAVID CLARK, KEITH FORMAN, TETRA TECH EC, INC.; DAN L. BATRACK, LENNAR INC; FIVE POINT HOLDINGS, LLC., JOHN STEWART COMPANY and DOES 1-100)

80. PLAINTIFFS and class members hereby incorporate allegations contained in the preceding paragraphs, as though fully set forth herein.

81. DEFENDANTS, and each of them, engaged in negligent, reckless, intentional, and criminal conduct by deliberately and premeditatedly leaving and placing radioactive soil on Treasure Island, fully aware that dust, debris, and radionuclides would blow with the prevailing winds over the Treasure Island Community and cause life threatening permanent injuries and death.

82. Plaintiffs suffered harm because DEFENDANTS created a nuisance. DEFENDANTS, by leaving radioactive materials and other toxins on Treasure Island, created conditions that were harmful and injurious to health and life; were offensive to the senses; were an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life and property; unlawfully obstructed the free passage or use, in the customary manner; and created other dangerous conditions to Treasure Island by contaminating ground water, soil for vegetation, lawns, and the quality of the air that the Plaintiffs have to breathe.

83. Ordinary people would be reasonably annoyed, disturbed and offended by DEFENDANT'S conduct in failing to disclose that they left radioactive soil in the densely populated residential community.

1 84. DEFENDANTS' conduct was a substantial factor in causing the Plaintiffs' injuries,
2 losses and harms, including, but not limited to, cancer, asthma, respiratory failure, heart attack,
3 stroke and fear of contracting other life-long injuries.

4 85. DEFENDANTS' misconduct was deliberate, and undertaken with oppression, fraud
5 or malice within the meaning of California Civil Code § 3294, justifying an award of exemplary
6 damages sufficient to punish DEFENDANTS and to deter them from such misconduct in the
7 future.

8 WHEREFORE, Plaintiffs pray judgment as hereinafter set forth.

9 **SIXTH CAUSE OF ACTION**

10 **(PRIVATE NUISANCE)**

11 **(Against SHAW ENVIRONMENTAL, JIM SULLIVAN, DAVID CLARK, KEITH**
12 **FORMAN, TETRA TECH EC, INC.; DAN L. BATRACK, LENNAR INC; FIVE POINT**
13 **HOLDINGS, LLC., JOHN STEWART COMPANY and DOES 1-100)**

14 86. PLAINTIFFS and class members hereby incorporate allegations contained in the
15 preceding paragraphs, as though fully set forth herein.

16 87. DEFENDANTS interfered with the Plaintiffs' use and enjoyment of their land by
17 acting or failing to act as hereinabove described, by leaving radioactive materials and other
18 toxins on Treasure Island.

19 88. Based on their conduct, the Defendants created conditions that were harmful and
20 injurious to health and life; were offensive to the senses; were an obstruction to the free use of
21 property, so as to interfere with the comfortable enjoyment of life and property; unlawfully
22 obstructed the free passage or use, in the customary manner; and created other dangerous
23

1 conditions to the Plaintiffs' property by contaminating ground water, soil for vegetation, lawns,
2 and the quality of the air that they had to breath.

3 89. DEFENDANTS' acts, conduct and behavior proximately caused harm and damage to
4 the PLAINTIFFS, including personal injury, pain, anxiety, mental and emotional distress,
5 discomfort, fear, incontinence, suffering, property damage, loss of enjoyment of their property
6 and life, the need for periodic examination and treatment, as well as economic losses including
7 loss of earnings, stigma damages, the cost of obtaining potential cure, and other needless
8 expenditures of time and money.

9 90. DEFENDANTS' misconduct was deliberate, and undertaken with oppression, fraud
10 or malice within the meaning of California Civil Code § 3294, justifying an award of exemplary
11 damages sufficient to punish DEFENDANTS and to deter them from such misconduct in the
12 future.

13 WHEREFORE, PLAINTIFFS pray judgment as hereinafter set forth.

14 **SEVENTH CAUSE OF ACTION**

15 **(CONSPIRACY)**

16 **(Against SHAW ENVIRONMENTAL, JIM SULLIVAN, DAVID CLARK, KEITH**
17 **FORMAN, TETRA TECH EC, INC.; DAN L. BATRACK, LENNAR INC; FIVE POINT**
HOLDINGS, LLC., JOHN STEWART COMPANY and DOES 1-100)

18 91. That all named Defendants conspired and planned to intentionally falsify statements
19 to the Plaintiffs and the public regarding the true levels of radiation contamination on Treasure
20 Island and to not issue true disclosures and warnings regarding the true levels of toxins and other
21 hazardous waste on Treasure Island.

EIGHTH CAUSE OF ACTION

INJUNCTIVE RELIEF

(Against TREASURE ISLAND DEVELOPMENT AUTHORITY; TREASURE ISLAND HOMELESS DEVELOPMENT INITIATIVE; STATE DEPARTMENT OF TOXIC SUBSTANCE CONTROL; SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH; LENNAR, INC., FIVE POINT HOLDINGS, LLC and Does 1 to 100)

92. PLAINTIFFS and class members hereby incorporate allegations contained in the preceding paragraphs, as though fully set forth herein.

93. DEFENDANTS, and each of them, are aware that their remains dangerous levels of radiation on Treasure Island which endangers the local community and any other people who eventually relocate there.

94. PLAINTIFFS have repeatedly demanded that DEFENDANTS stop any development on Treasure Island until thorough, complete, and verified test results prove that all the toxins and radioactive materials have been removed, but DEFENDANTS have ignored PLAINTIFFS' demands.

95. PLAINTIFFS have suffered and will continue to suffer irreparable injury unless and until this Court enjoins DEFENDANTS from continuing their wrongful conduct. DEFENDANTS' wrongful conduct is ongoing and threatens to be continued in the future.

96. PLAINTIFFS have no adequate remedy at law for the injuries suffered. An award of monetary damages would not provide an adequate remedy because money damages cannot replace safety, health and lives lost from exposure to radiation and other toxins confirmed now at Treasure Island.

1 97. An INJUNCTION is the only remedy available to PLAINTIFFS to protect
2 themselves, and the general public.

3 WHEREFORE, Plaintiffs pray judgment as hereinafter set forth.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, PLAINTIFFS pray judgment against DEFENDANTS as follows:

- 6 1. For an order requiring DEFENDANTS to show cause, if any they have, why they should
7 not be enjoined as set forth in this complaint, during the pendency of this action;
- 8 2. For a preliminary injunction, enjoining DEFENDANTS, and each of them, and their
9 agents, servants, and employees, and all persons acting under, in concert with, or for
10 them to:
 - 11 a. Take “anticipatory action” to prevent harm and through exploration of
12 current toxicity and careful analysis of courses of action in order to present the least
13 threat to residents on Treasure Island and;
 - 14 b. Conduct an immediate Health and Safety assessment for residents, workers and
15 students on Treasure Island.
- 16 3. DEFENDANTS, and each of them, must be ordered to STOP ALL DEVELOPMENT,
17 CONSTRUCTION, BUILDING, DIGGING, ERECTING, DISTURBING THE SOIL,
18 DIRT, EARTH, BUILDINGS, STRUCTURES, PIPES, AND ALL ACTIVITY AT
19 TREASURE ISLAND UNTIL INDEPENDENT VERIFIED REPORTS CAN BE
20 OBTAINED SHOWING COMPLETE AND TOTAL REMEDIATION OF ALL TOXIC
21 SUBSTANCES, INCLUDING ALL RADIOACTIVE MATERIALS FROM Treasure
22 Island;

4. Monetary damages in the amount of \$2 billion dollars,
5. For costs of suit incurred in this action; and
6. For such other and further relief as the Court deems proper.

WHEREFORE, further PLAINTIFFS and members of the Class request that the Court enter an order or judgment against DEFENDANTS, and each of them as named in the future, as follows:

1. For an order certifying the Class, appointing PLAINTIFFS and their counsel to represent the Class, and notice to the Class to be paid by DEFENDANTS;
2. For an injunction ordering DEFENDANTS to cease and desist from seeking to engage in any additional remediation at Treasure Island.
3. For an order requiring DEFENDANTS to immediately pay for medical screenings for early detection of any radiation related medical conditions.

Date: January 17, 2020

LAW OFFICE OF STANLEY GOFF

/s/ STANLEY GOFF *Stanley Goff*
STANLEY GOFF
Attorney for Plaintiffs

SUM-100

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**TREASURE ISLAND DEVELOPMENT AUTHORITY; TREASURE ISLAND HOMELESS
DEVELOPMENT INITIATIVE; SHAW ENVIRONMENTAL; JIM SULLIVAN, DAVID CLARK,**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Andre Patterson, Falita Sample, Including All Parties Listed Herein, and Doe Plaintiffs 1- 2,000

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

San Francisco Superior Court, 400 McAllister St.,
San Francisco, Ca 94102

CASE NUMBER: (Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Stanley Goff, 15 Boardman Place, San Francisco Ca 94103, 415-571-9570

DATE:

(Fecha)

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify):

under: <input checked="" type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input checked="" type="checkbox"/> other (specify):	
- ☐ by personal delivery on (date)

BY FAX

SUM-200(A)

SHORT TITLE: Andre Patterson, Falita Sample, et al. v. Treasure Island Development, e	CASE NUMBER:
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

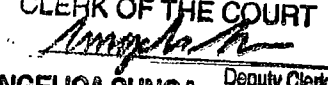
List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

KEITH FORMAN, TETRA TECH EC, INC.; DAN L. BATRACK, STATE DEPARTMENT OF TOXIC SUBSTANCE CONTROL; SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH; LENNAR INC; FIVE POINT HOLDINGS, LLC., JOHN STEWART COMPANY and DOES 1-100

Page ____ of ____

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, SBN number, and address): Stanley Goff, SBN 289364 15 Boardman Place San Francisco, Ca 94103 TELEPHONE NO.: 415-571-9570 FAX NO.: ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT COUNTY OF SAN FRANCISCO JAN 23 2020 CLERK OF THE COURT  ANGELICA SUNGA Deputy Clerk CCC-20-582410	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, Ca 94102 BRANCH NAME: Civil		CASE NAME: Andre Patterson, Falita Sample, et al. v. Treasure Island Development, et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
JUDGE:		DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input checked="" type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input checked="" type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 8
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 1/21/2020
 Stanley Goff

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition